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Dr. Rahul Sharma, (Assistant Professor)

Madhav Vidhi Mahavidhyalaya, Gwalior, (Madhya Pradesh)–474001

ORCID: <https://orcid.org/0000-0002-3459-7568>

Email: rsrahulsharma5555@gmail.com

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Impact of Environment Protection Act, 1986 on the Society

Dr. Rahul Sharma, (Assistant Professor)

Madhav Vidhi Mahavidhyalaya, Gwalior, (Madhya Pradesh)–474001

ORCID: <https://orcid.org/0000-0002-3459-7568>

Email: rsrahulsharma5555@gmail.com

Abstract:

The environment is the real world that has the living as well as non-living types of surroundings on the earth. All living things and non-living on this planet go under nature. Whether they live on land or in water they are part of nature. The air, water, plants, animals, human beings, and other living things are existing in the environment. In another word, we can say that an environment is a nature that nurtures our life on the earth. Everything which we eat, drink, feel, breathe, laugh, and weep in our life comes from the environment. Like water, air, sunlight, land, food, clothes, plants, forests, rivers, and other natural things come within the environment. The environment can be understood as a caretaker that keeps life on the earth. In the present scenario, many hazardous materials and wastes release by the industries and unwanted acts of humans that's why we have to save the planet. There are many factors affecting the environment like the atmospheric process, geomorphic process, and hydrologic process. So in this research article, we will discuss the role of The Environment Protection Act, 1986 to protect the environment and what is the impact of this act on society.

Keywords: living as well as non-living, factors affecting the environment, Environmental Protection Act, establishing safety procedures etc.

Introduction

We must know that more than a quarter of the world's population depend on forest resources for their livelihood. The forestry industry is a major source of economic growth and employment in the world; most of the people worldwide depend on forest remedies for their medical needs. All of this is possible thanks to the rich genetic resources of the world's forests that help them adapt to their evolutionary processes and improve their productivity. However, countries have been provided with limited resources to conserve forest-rich genetic resources that endanger many species of powerful trees and plants that may have economic, environmental, scientific or social value.

Many times we have seen that to raise money for people who cut down trees and supply firewood legally or illegally. Speaking of ancient history many people keep illegal trade. Properly managed and maintained, the timber trade can be a major source of income for local communities and nations. I think that, in some countries, especially those in Africa, South America, India and other countries 50% at around timber is harvested and sold illegally. Government maladministration, weak enforcement and corruption are all factors that lead to dangerous levels of deforestation, loss of land and financial loss. But after enactment of Environment Protection Act, 1986 above mentioned activities have been reduced.

Why the enacted of Environment Protection Act, 1986:

The purpose of this Act is to implement the resolutions of the United Nations Convention on the Environment of Human and Peoples. They are associated with the protection and improvement of the human environment and the protection against harm to humans, other living beings, plants and animals.

Environmental Protection includes programs aimed at reducing environmental hazards from pollutants such as hazardous substances and waste, oil and fuel. These systems address pollution prevention and compliance measures by providing safe operating procedures for these materials, inspecting storage vessels and facilities, and establishing safety procedures. Included are natural emergency plans, which provide appropriate action to be taken in the event of a spill or evacuation.

Objectives of Environment Protection Act, 1986:¹

1. This law creates a comprehensive framework for environmental protection so as to bring more clarity and stability in the environmental laws of the country.
2. In 1972, the United Nations Conference on Human Environment was held in Stockholm in which India was also a participant. The purpose of this act is to implement the decisions taken in this conference.
3. The purpose of this act is to cover these loopholes and gaps in whatever laws were made for environmental protection in the past.
4. The purpose of this act is to establish coordination between the state authority and the central authority established through various environmental protection laws.
5. The purpose of this act is to provide comprehensive powers to the central government for effective environmental protection so that they can take comprehensive action for environmental protection.

Importance of this act:

In India, environmental protection was not a major problem until the mid-1980.² That is to say, total environmental protection has never been seriously considered. The government enacted various environmental laws like that- The Water Act, 1974; Air Act, 1981; India Forest Policy, 1988. But it took two major explosions, one from the international community and the other from the national community, to enact the Environmental Protection Act.

It is important act for the society to save environment. The most prominent features of the Act are listed as follows: **Under the Act, the Central Government is empowered to do so³ -**

- This act covers all forms of pollution like air, water, soil and noise.⁴
- This act covers the all necessary steps to protect and improve the environment.
- Coordinating the actions of State governments, authorities and other officials.
- Implementation of national plans for the prevention of pollution and other hazardous substances.
- Establish environmentally friendly quality standards including emissions standards.

¹ Lexlife India: Environment Protection Act, 1986: <https://lexlife.in/2020/05/07/environment-protection-act-1986/> Published on 07th May 2020, visited on 10th December 2020.

² Saurab Babu: India's Environment Protection Act, 1986 – An overview, published on 04th Dec. 2017, <https://eco-intelligent.com/2017/12/04/indias-environment-protection-act-1986/> visited on 12th December 2020.

³ Environment Protection Act: Benefits of Environment Law: <https://www.legitquest.com/legal-guide/environment-protection-act>

⁴ Saurab Babu: India's Environment Protection Act, 1986 – An overview, published on 04th Dec. 2017, <https://eco-intelligent.com/2017/12/04/indias-environment-protection-act-1986/> visited on 12th December 2020.

- Implied punishment and fine where industries not follow the provisions, rules and regulation related to this act.
- Establish procedures and precautions to prevent hazards that allow pollution.
- Examine processes, materials and materials that deal with pollution.
- Inspect buildings, plants, or equipment and direct authorities or authorities to take the necessary steps to prevent, control and reduce pollution.
- Prevents the removal and discharge of any environmental pollution beyond normal limits by any person in charge of industrial activities.
- Serious fines are imposed if you violate any of the provisions of this Act.
- Officials empowered by the Central Government may take samples of air, water, soil, or other material from any factory or facility for analysis.
- The Act provides for the establishment of environmental laboratories that work to protect the environment and people from pollution.
- Powers of public courts are restricted under this Act.
- It provides safe levels of the presence of various pollutants in the environment.
- It allows the federal government to delegate to various authorities in order to make the laws of this Act.⁵

Environment protection Act saves the people life:

Save public health: There is most important factor of Environmental Law to reduce emissions from the atmosphere. This helps to keep the atmosphere fresh and clean within the atmosphere which ultimately contributes to better public health.

Preserve the legacy of the next generation: It is said that if you are protect and save environment today than your upcoming generation will be save by the nature. We must know that Environmental Law in India does not only protect us but also protect to upcoming generation. Environmental law ensures that existing people will work for future generations.

Maintaining environmental integrity: Environmental Law in India prevents the removal and discharge of any environmental pollution beyond normal limits by any person in charge of industrial activities.

Proper waste management: Sanitation management protects the environment and ensures that the waste management process does not affect the environment. The law requires industries to dispose of waste in accordance with established standards and procedures.

Role of Indian judiciary in environmental protection

The role of Indian courts in environmental protection has been unforgettable; their role can be seen in various important decisions taken by them for environmental protection. After the passage of Environment Protection Act 1986, our judiciary has done this work with more awareness. Our judiciary has discharged its virtuous role in environmental protection by taking proper decisions on the principle of environmental awareness, sustainable development, water pollution, air pollution, and right to healthy life, ban on hazardous industries, and the principles of strict liability and polluter pays.

⁵ Saurab Babu: India's Environment Protection Act, 1986 – An overview, published on 04th Dec. 2017, <https://eco-intelligent.com/2017/12/04/indias-environment-protection-act-1986/> visited on 12th December 2020.

Landmark cases:

- **SUSTAINABLE DEVELOPMENT**

***Rural Litigation and Entitlement Kendra, Dehradun v State of Uttar Pradesh,*⁶**

The matter pertained to the grave environmental threat posed by lime mines in the Doon Valley, with the Supreme Court ordering that all mines where they were in a hazardous condition should be closed, regardless of whether it would result in mine owners and mine workers. Why should there be no financial loss? Doing so was necessary to secure the right of the common man to live in a healthy environment, no matter what the cost.

- **STRICT LIABILITY** (Making industries accountable)

***M.C. Mehta v. Union of India and Others*⁷**

In the Shriram gas leak case, the court ordered that it should immediately shut down the risky factory in which one worker died and the lives of others were in danger due to the gas leak. The court said that the state has the right to prohibit risky industrial activities, so that the right of the common man to live in a clean environment can be ensured. In this case, the Court developed the principle of absolute liability so that compensation can be paid as per the interpretation of Article 21. In addition, the Court also held that the right to life also includes the right to seek compensation to the persons suffering from the risk of pollution.

- **CONSERVATION OF WATER FROM POLLUTING SOURCES**

***M.C. Mehta v. Union of India and Others*⁸**

In the Ganga Pollution case, the Supreme Court ordered several arrogant industries that were spreading pollution on the banks of the Ganges to either establish pollution control or to shut down their factories. The court ordered about 5000 enterprises located on the banks of the Ganges to set up sewage sanitizing plants and also to make arrangements to check pollution.

***M. C. Mehta v Union of India,*⁹**

In this case, the petitioner M. C. Mehta filed a petition before the Hon'ble Supreme Court of India over the depleting groundwater levels in the country. A near-crisis situation had developed in many parts of the country and there was no authority to keep a proper check on it. Thus, the Supreme Court directed the Central Government to make the Ground Water Board into an 'authority' under the Environment (Protection) Act 1986. It was bestowed with legal powers so that it can issue licenses and act against polluters.

- **ENVIRONMENTAL EDUCATION**

***M.C. Mehta v. Union of India*¹⁰**

In this case, the Supreme Court directed to spread environmental education and awareness in the country. These measures include the provision of teaching environment as a compulsory subject in schools from class I to X, provision of environmental education as a subject in universities, dissemination of messages on environmental subjects in cinemas and environmental programs on television and radio. broadcasts are included.

⁶ AIR 1987 2 SC 431.

⁷ Writ Petition (Civil) No. 12739 of 1987, Shriram gas leak case. 1987.

⁸ Writ Petition (Civil) No. 3727 of 1988, Ganga Pollution Case, 1988.

⁹ 1997 11 SC 312 (Groundwater Depletion Case)

¹⁰ Writ Petition (Civil) No. 860 of 1992, Environmental education Case, 1992.

Indian Council for Enviro-Legal Action v Union of India,¹¹

The Supreme Court, in this case, put to use the “Polluter-Pays” principle which means that those who pollute must pay the costs of preventing and repairing the damage due to the pollution that was caused by them. The Court gave directions to the Central Government to recover the amount from the defaulters in the case.

- **PROTECTING THE CULTURAL HERITAGE**

***M.C. Mehta v. Union of India and Others*¹²**

In this case, the Supreme Court ordered that no coal based industry would be allowed in the 10,400 square kilometer area around the Taj Mahal. The polluting industries were asked to use clean fuel or to move their factories outside the safe zone. The Central Government and the State Government were directed to make arrangements for green belt around the Taj Mahal, and to supply electricity without interruption so that diesel-powered generators are not required.

Drawbacks of Environment Protection Act, 1986

- Complete Centralization of the Act a possible drawback of the Act may be its centralization. Where extensive powers are delegated to the center and the state governments have no power. In such a situation, the central government is responsible for its arbitrariness and misuse.
- No public participation: The Act also does not talk about public participation with respect to environmental protection, whereas, citizens need to be involved in environmental protection to prevent arbitrariness and increase awareness of the environment.
- Exclusion of all pollutants: The Act does not include modern concepts of pollution such as noise, overburdened transport systems and radiation waves in the list of pollutants, which are important factors of environmental pollution.

Conclusion:

There is no doubt that the Environment Protection Act 1986 has removed the shortcomings of the earlier Acts. And has increased the scope of environmental protection, but there is no central agency that can make any framework keeping in mind the long-term needs of environmental protection. Public participation and responsibility are missing in this Act. The objectives of the Act are broad but is there lack of political will, lack of effective implementation, lack of public awareness, apathy of the administrative machinery and this Act being around the central government? Let the objective of Environment Protection Act 1986 be fulfilled.

¹¹ AIR 1996 SC 1446.

¹² Writ Petition (Civil) No.13381 of AIR 1997 SC 734, Taj Mahal case, 1997